

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Kevin McNulty, U.S.D.J.
	:	
v.	:	Crim. No. 21-191
	:	
DAVID KUSHNER	:	

**ORDER FOR CONTINUANCE**

This matter having come before the Court on the joint application of Philip R. Sellinger, United States Attorney for the District of New Jersey (by Edeli Rivera, Assistant United States Attorney) and defendant David Kushner (by Jeffrey Dirmann, Esq. and Frank Agostino, Esq.), for an order granting a continuance of the proceedings in the above-captioned matter; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1); and the defendant having consented to the continuance and waived such right, and this being the third request for a continuance in this matter, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) Taking into account the exercise of diligence, the facts of this case require that defense counsel and the United States be permitted a reasonable amount of additional time for effective preparation in this matter;

(2) Plea negotiations are anticipated, and both the United States and the defendant desire additional time to negotiate a plea agreement, which

would render any subsequent trial of this matter unnecessary;

(3) The defendant has consented to the above-referenced continuance;

(4) The granting of a continuance will likely conserve judicial resources; and

(5) As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 28th day of December, 2021 ORDERED that:

(1) This action is continued under the Speedy Trial Act from the date this Order is signed through and including February 22, 2022; and

(2) The period from the date this Order is signed through and including February 22, 2022, shall be excludable in computing time under the Speedy Trial Act of 1974.

/s/ Kevin McNulty  
THE HONORABLE KEVIN MCNULTY  
United States District Judge

Consented and Agreed to by:

s/ *Edeli Rivera*

Edeli Rivera

Assistant U.S. Attorney

s/ *Frank Agostino*

Jeffrey Dirmann, Esq.

Frank Agostino, Esq.

Counsel for Defendant

s/ *Francesca Liquori*

Francesca A. Liquori

Chief, OCDETF/Narcotics Unit

s/ *Desiree Grace*

Desiree Grace

Deputy Chief, Criminal Division